

REMARKS

Claims 1-21 are pending in the application. Claim 11 is cancelled. Claims 1, 8, 15, 18, and 19 are amended.

The Office Action

In the Office Action mailed August 27, 2004, the Examiner noted the requirements for the Abstract regarding use of words such as "means" and "said." Applicant notes that "said" is not used in the present abstract. The abstract has been amended to remove the word "means."

Claim 20 was objected to. Applicants have deleted the unnecessary "a", as suggested by the Examiner. Accordingly, it is respectfully requested that the objections be withdrawn.

Claims 15-18 were rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 4,942,644 to Rowley.

Claims 1-10, 12, and 19-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,869,007 to Fast in view of Rowley '644.

Claims 11, 13, and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fast in view of Rowley '644 and further in view of U.S. Patent No. 5,553,721 to Gebka.

For the reasons outlined below, it is submitted that the claims are in condition for allowance.

Claim 1 recites a merchandising strip which includes a planar body portion with an aperture. The planar body has a length greater than a width. A plurality of fingers is associated with the body portion for supporting a plurality of associated packages. A tab is provided for mounting the merchandising strip to an associated support member such that the associated packages are attached at vertically spaced locations along the length. The tab includes a strap having a first end extending from the body portion. A head is located at a second end of the strap. The head is shaped to be received through the aperture.

Support for the amendments to claim 1 are to be found in the specification, paragraphs 16 and 17, and in the Figures.

The applied art does not disclose such a merchandise strip from which a plurality of packages can be supported. Fast discloses a merchandise information tag which includes four cutouts 14 for receiving a non-adhesive label 16. Fast makes no suggestion of supporting a single package, let alone a plurality of packages. Rather, the cutouts of Fast are designed for supporting only a lightweight label. There is no suggestion that the tag of Fast be capable of supporting the weight of packages, or that the simple cutouts would retain the packages without falling. The slits 18 in the tag of Fast would be expected to induce tearing of the tag if packages were attached below the line of the slits, particularly when hung in the orientation of FIGURE 4 since the center of gravity of the packages would be well forward of the loop elements 24. Nor does Fast suggest a planar body with a length greater than a width.

Rowley discloses a strap hanger for use in bundling articles. One end of the strap 20 of Rowley is inserted into a locking hole 25, while the other end of the strap passes through the same locking hole, thereby forming two loops. There is no suggestion in Rowley of supporting a plurality of packages at vertically spaced locations along the length of the strap of Rowley. Rather, all of the items are bundled together and thus cannot be separately removed.

Moreover, there is no motivation for incorporating Rowley's locking hole 25 into the tag of Fast because it would defeat the object of Fast. It would be difficult, if not impossible, to insert the two elements 24 of Fast into their respective slots 28 in the orientation of Figure 4 if the slots were replaced with Rowley's locking hole.

Gebka, which is cited against dependent claims 11, 13, and 14, does not supply the deficiencies of the primary references. There is no motivation for providing the tab of Fast with fingers positioned as shown by Gebka, since Fast supports only a single lightweight label.

Accordingly, it is submitted that claim 1 and claims 2-14 dependent therefrom distinguish patentably and unobviously over the references of record.

Claim 15 recites a merchandising strip including a tab for mounting the merchandising strip to an associated support member, a body portion, and a plurality of

spaced engagement members, associated with the body portion, for supporting a plurality of associated packages such that the packages are individually removable from the merchandising strip.

Support for the amendments to claim 15 are to be found in the specification at paragraph 26, and in FIGURES 1 and 2.

Rowley does not suggest a merchandising strip with a plurality of spaced engagement members which allow packages to be individually removable. Rather, Rowley's strap holds a bundle of items together in a loop defined by one end of the strap.

Accordingly, it is submitted that claim 15, and claims 16-18 dependent therefrom distinguish over the reference of record.

Claim 19 recites a method of supporting a plurality of packages from a rigid support member. The method includes providing a merchandising strip having a body portion and an elongate strap and releasably supporting a plurality of packages on the merchandising strip by a plurality of spaced engagements members whereby the packages are separately removable.

Support for the amendments to claim 19 are to be found in the specification at paragraph 26, and in FIGURES 1 and 2.

The references of record do not disclose or fairly suggest such a method. Fast makes no suggestion of supporting a single package, let alone a plurality of packages. Rather, Fast supports a simple, lightweight label. There is no need for a more complex slot than the slots 28 to hold the arrowhead of the loop element 24 due to the lightweight label. Nor is there any suggestion that Fast's device could carry the weight of packages without disengagement of the loop elements 24 or tearing of the tag along the line of the slits 18.

Rowley makes no suggestion of providing spaced engagement members or supporting packages such that they are separately removable. Rowley's articles are held together in a bundle.

Moreover, there is no motivation for incorporating Rowley's locking hole 25 into the tag of Fast because it would defeat the object of Fast. It would be difficult, if not

impossible, to insert the two elements 24 of Fast into their respective slots 28 in the orientation of Figure 24 if the slots were replaced with Rowley's locking hole.

Accordingly, it is submitted that claim 19 and claims 20-21 dependent therefrom distinguish over the references of record.


CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-10 and 12-21) are now in condition for allowance.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

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Date



Jay F. Moldovanyi
Reg. No. 29,678
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582

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